

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MARQUIS CAREY,

 Petitioner,

 v.

GISELLE MATTESON, Warden,

 Respondent.

Case No. 8-22-cv-01486-CJC (SK)

**ORDER ACCEPTING REPORT
AND RECOMMENDATION TO
DENY HABEAS PETITION**

In accordance with 28 U.S.C. § 636, the Court has reviewed the filed Report and Recommendation (R&R) to deny the habeas petition (ECF 20), any pertinent records as needed, and Petitioner’s objections (ECF 21). The Court has reviewed de novo those identifiable portions of the R&R to which Petitioner has timely and properly objected. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

In doing so, the Court has declined to consider objections that simply repeat arguments fully addressed but rejected in the R&R. *See Trejo Perez v. Madden*, 2020 WL 1154807, at *1 (E.D. Cal. Mar. 10, 2020) (objections that “merely repeat[] the same arguments . . . considered and found to be insufficient” require no review since they “do not meaningfully dispute the magistrate judge’s findings and recommendations”); *Hagberg v. Astrue*, 2009 WL 3386595, at *1 (D. Mont. Oct. 14, 2009) (“Objections to a magistrate’s Findings and Recommendations are not a vehicle for the losing


party to relitigate its case.”).

The Court has also declined to consider any arguments raised for the first time only in the objections. In his petition, Petitioner challenged the admission of his pre-trial identification as an alleged violation of the Due Process Clause because it was unreliable and unduly suggestive. (ECF 1 at 28–34). But for the first time in his objections, Petitioner now claims that the admission of the identification violated the Fourth Amendment and Confrontation Clause. (ECF 21 at 2–11). The latter claims are entirely new and thus improper bases to object to the R&R. *See United States v. Howell*, 231 F.3d 615, 621–23 (9th Cir. 2000).

Concluding that nothing in Petitioner’s objections affects the material findings and conclusions in the R&R, the Court accepts the recommendation and orders that the petition under 28 U.S.C. § 2254 be DENIED. Judgment dismissing this action with prejudice will be entered accordingly.

IT IS SO ORDERED.

DATED: May 17, 2024



CORMAC J. CARNEY
United States District Judge